

**TOWN OF EAST HAVEN, CT  
MINUTES OF A REGULAR MEETING  
ZONING BOARD OF APPEALS  
JULY 18, 2013 7:30 P.M. EAST HAVEN SENIOR CENTER**

**MEMBERS PRESENT:**      ROBERT FALCIGNO – CHAIRMAN  
                                 PAUL BEISLER-VICE CHAIRMAN  
                                 CHARLES LANG  
                                 JOSEPH PORTO  
                                 CHARLES LEMONS

**ALTERNATES PRESENT:** DONALD THOMAS -ABSENT  
                                 THEODORE MUSCO  
                                 RONALD VESTUTI-ABSENT

**MEMBERS PRESENT:**      FRANK BIANCUR -ZEO  
                                 ALFRED ZULLO-ATTORNEY  
                                 ROSALIE DEPALMA-CLERK

The meeting was called to order at 7:30 P.M. by Chairman Falcigno who then explained the procedure of the Board to the audience. A motion was made by Charles Lemons to accept the minutes of the previous meeting; seconded by Joseph Porto. Motion carried unanimously.

**13-20**

APPLICANT & PROPERTY OWNER: Martin Hallier; Property Affected; 104 Frontage Road; Map 260, Block 3210, Lot 001; Zone CC

*Proposal to develop gas station, convenience store and retail store.*

**VARIANCE:** *Schedule 'B' Line 7, street line reduction from 25 feet to 0 ft, for proposed canopy and 25 ft to 9 feet for proposed pump island. NOTE: Street line is highway line of Route 1 which steps back further than adjacent parcels.*

**\*Tabled from last meeting**

Ronald Hurlburt, a Land Surveyor, 2 Olde Orchard Road, Clinton, CT 06413 addressed the Board. He requested this application be WITHDRAWN. The Board was in agreement. No further comments were made.

**13-21**

Notice of Appeal in accordance with CT State Statutes 8-7, Niki Whitehead is filing appeal against Frank Biancur Jr. (Director of Planning Zoning) regarding actions that Mr. Biancur's decision to remove a lien and file a new documents on the land records.

Attorney Zullo noted the Public Hearing was continued to resolve notice error. The applicant waiving the 65 day rule and requested this application be TABLED. A letter was submitted into record. The Board was in agreement. No further comments were made.

**13-23**

APPLICANT & PROPERTY OWNER: Susan Deko; Property Affected: 131 Salerno Avenue; Map 130, Block 1216, Map 007; Zone R2

*Proposal to build front porch 12x12 in front of house to replace rotted out stairs.*

**VARIANCE:** *Schedule 'B' Line #7 looking for a 13 foot setback where 25 is required, (12 foot reduction)*

Susan Deko addressed the Board on her behalf. She was seeking a variance to build a front porch 12 x12 ft. in front of her house to replace rotted stairs. The required certified receipts were submitted to the Board. Hardship: House predates zoning, built too close to street line. No further comments were made.

**13-24**

APPLICANT & PROPERTY OWNER: Angela Maresca & Josh Milder; Property Affected; 26 Brazos Road; Map 020, Block 110, Lot 07, Zone R3

*Proposal to raise home on existing footprint to comply with FEMA regulations.*

**VARIANCE:** *Section 44 of Zoning Regulations, Nonconformity and Section 25 Height will exceed 30 feet, (see plans)*

Angela Maresca and Josh Milder addressed the Board on their behalf. They were seeking a variance to raise their home on existing footprint which would exceed 30 ft. The required certified receipts were submitted to the Board. Hardship: Raising of structure due to flood risk. No further comments were made.

**13-25**

APPLICANT & PROPERTY OWNER: Joan Messing; Property Affected; 27 Marie Drive; Map 180, Block 2309, Lot 004, Zone R1

*Proposal to install a 40 foot section of 8 foot fencing on the rear property line.*

**VARIANCE:** *Schedule 'B' Line # 8 & 9 where a 10 ft setback is required, there would be no setbacks on this fence, it would be on property line.*

Mr. and Mrs. William Messina addressed the Board on their behalf. They were seeking a variance to install a 40 ft. section of 8 ft. fencing on the rear property line. The required certified receipts were submitted to the Board. Hardship: During Hurricane Sandy lost all of trees in backyard, fence would restore privacy once provided by trees which would take years to grow. No further comments were made.

**13-26**

APPLICANT & PROPERTY OWNER: Vincent Mauro; Property Affected, 15 Henry Street; Map 070, Block 0417, Lot 016: Zone R1

*Proposal to split lot and create 2 single family homes that meet FEMA requirements.*

**VARIANCE:** *Section 25, Schedule 'B' Line #1 allow 2 lots of 6,000 square ft and 4,000 square feet where 7,200 is required. Schedule 'B' Line 3 to allow a minimum square on 40 feet where 60 is required (1 lot only) and Schedule 'B' Line #4 to allow minimum frontage of 40 ft where 60 ft is required (1 lot only).*

ZEO Biancur stated to the Board he received a letter from Attorney Mingione requesting this application be TABLED to the next scheduled meeting. The Board was in agreement.

**13-27**

APPLICANT & PROPERTY OWNER: Richard Esposito; Property Affected 58 Minor Road; Map 010, Block 306, Lot 05: Zone R3

*Proposal to cut back from 10 ft off existing structure (outdoor canopy) from the side of the property next to 34 Minor Rd.*

**VARIANCE:** *Section 25.4.10 Accessory Building, Schedule 'B' Line #8 Rear Yard Setback to 1.2 ft where 10 is required, Schedule 'B' Line #11 Maximum Lot Coverage from 20% to 39%.*

Attorney Charles Riether, 31 Broadway, North Haven, CT. 06473 addressed the Board on behalf of the applicant. They were seeking a variance to cut back 10 ft. off existing structure (outdoor canopy) from the side of the property next to 34 Minor Rd. Attorney Zullo recused himself from this application due to a conflict of interest and Attorney Frank Kolb appeared in lieu of Attorney Zullo as attorney for the Board on this application. Attorney Riether gave a detailed presentation on the present and prior application of this property noting this application was before the Board in 2011, application was granted and then appealed. The applicant was now before the Board seeking a proposed variance to cut back from 10 ft. of existing structure (outdoor canopy) from the side of the property next to 34 Minor Rd. Attorney Riether stated the canopy was in character and consistent to the neighborhood. The required certified receipts were submitted to the Board. Hardship: Parcel very small and predates implementation of zoning regulations and entire property with building is existing non-conforming. The following people spoke in favor of this application David Cacace 60 Minor Rd, Allen Esposito, 66 Minor Rd., Lisa Kimesell, and Patrick Rowland, 2 Minor Road, Ann Marie Apicella, 194 Beach Ave. [Name illegible] 42 Minor Rd. The following people submitted favorable letters on this application: [Name illegible] Melissa Landino

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50 Minor Rd., Sheryl Raffone, 78 Minor Rd. and George Flanagan, 103 Minor Rd. The following people spoke in opposition of this application Adeline Rose 77 Morgan Ave., and Mr. and Mrs. John Petrillo 54 Minor Rd. No further comments were made.

At this time 7:50 P.M. Chairman Falcigno called a recess.

MEETING RECOVERED AT 7:55 P.M.

SEE VOTING

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VOTING

13-20                      WITHDRAWN

13-21                      TABLED

13-23                      GRANTED

Falcigno – yes

Beisler- yes

Lemons – yes

Lang- yes

Porto – yes

13-24                      GRANTED

Falcigno – yes

Beisler –yes

Lemons – yes

Lang- yes

Porot – yes

13-25                      GRANTED

Falcigno – yes

Beisler – yes

Lemons- yes

Lang- yes

Porto – yes

13-26                      TABLED

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VOTING CONTINUED:

13-27

GRANTED WITH CONDITION – Charles Lemons  
Made a motion applicant must abide by the reduction of  
(outdoor canopy) within 45 days and waive possible fine.  
If not the fine will be reinstated from the original  
institution June 26<sup>th</sup>, 2011 seconded by Joseph Porto.  
Motion carried unanimously.

Falcigno – yes with condition

Beisler – yes with condition

Lemons- yes with condition

Lang – yes with condition

Porto – yes with condition

Charles Lemons made a motion to adjourn; seconded by Joseph Porto. Motion  
carried unanimously.

Chairman Falcigno adjourned the meeting at 9:00 P.M

Respectfully submitted,

Rosalie DePalma

Clerk.